

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No: 05-11652-WGY

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

The parties in the above-captioned action have discussed a plan of discovery and submit this Joint Statement pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D).

I. INTRODUCTION

The following Joint Statement is submitted by the parties in this case pursuant to Local Rule 16.1(D). This Joint Statement includes a proposed pretrial schedule and discovery plan. While the parties agree on the proposed schedule set forth in this Joint Statement, they understand that this proposed schedule shall be considered by the Court as advisory only. The purpose of this Joint Statement is to advise the Court of the parties' best estimate as to the time that they will require to complete the specified pre-trial tasks.

II. PROPOSED PRETRIAL SCHEDULE AND DISCOVERY PLAN

The parties jointly submit the following proposed schedule for discovery in this case:

- | | | |
|-----|----------------------------|-----------------|
| (A) | Initial Disclosures Served | January 3, 2006 |
| (B) | Close of Fact Discovery | May 8, 2006 |
| (C) | Expert Disclosures Served | June 2, 2006 |

- | | | |
|-----|---|------------------------|
| (D) | Rebuttal Expert Disclosures Served | June 30, 2006 |
| (E) | Close of Expert Discovery | July 28, 2006 |
| (F) | Settlement Conference | September 2006 |
| (G) | Dispositive Motions Filed | October 9, 2006 |
| (H) | Oppositions to Dispositive Motions Filed | October 30, 2006 |
| (I) | Replies in Support of Dispositive Motions Filed | November 20, 2006 |
| (J) | Final Pretrial Conference | At discretion of Court |

Each party reserves the right to seek additional time for any matter listed above if necessary.

III. AGENDA OF ITEMS TO BE DISCUSSED AT SCHEDULING CONFERENCE

The parties propose to discuss the adoption of the joint proposed discovery plan and motion schedule.

IV. STATEMENT CONCERNING TRIAL BY MAGISTRATE JUDGE

The parties do not agree whether to consent to a magistrate.

V. CERTIFICATION

The parties' certifications, as required by Local Rule 16.1(D)(3), will be filed separately by each party.

Respectfully submitted,

JOHN D. CERQUEIRA, By his attorneys, <u>/s/ David S. Godkin</u> David S. Godkin (BBO #196530) Erica Abate Recht (BBO #641452) Birnbbaum & Godkin, LLP 280 Summer Street Boston, MA 02210 617-307-6100 <u>/s/ Michael T. Kirkpatrick</u> Michael T. Kirkpatrick, Esq. Public Citizen Litigation Group 1600 20 th Street, NW Washington, DC 20009 (202) 588-1000 ATTORNEYS FOR PLAINTIFF	AMERICAN AIRLINES, INC., By its attorneys, <u>/s/ Michael A. Fitzhugh</u> Michael A. Fitzhugh, Esq. (BBO #169700) Anne-Marie Gerber (BBO #649337) Fitzhugh, Parker & Alvaro LLP 155 Federal Street Suite 1700 Boston, MA 02110 (617) 695-2330 ATTORNEYS FOR DEFENDANT
---	--

Dated: December 12, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

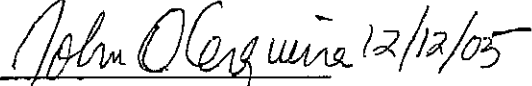
Defendant.

Civil Action No: 05-11652-WGY

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

The undersigned hereby certify pursuant to Local Rule 16.1(D)(3) that we have conferred (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.


David S. Godkin


John D. Cerqueira 12/12/05

CERTIFICATE OF SERVICE

I, David S. Godkin, hereby certify that a true and correct copy of the foregoing document was delivered to all counsel of record on 12/12/05 by electronic means.

/s/ David S. Godkin
David S. Godkin